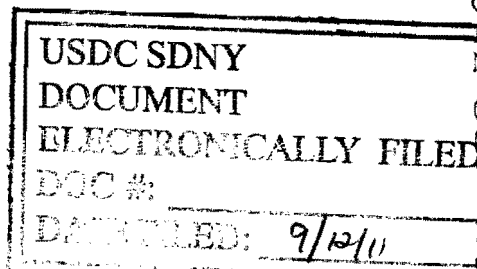


**COWAN
LIEBOWITZ
LATMAN**



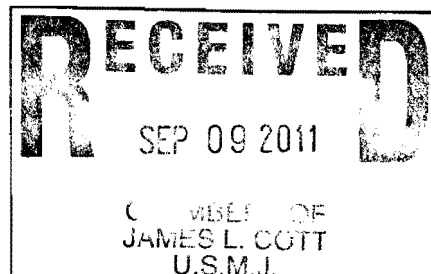
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September 8, 2011

Via Facsimile (212) 805-0426

Hon. Judge Laura Taylor Swain
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312



Re: Poindexter v. EMI Record Group Inc., No. 11 Civ. 0559 (LTS) (JLC)

Dear Hon. Judge Swain:

We represent Defendant Capitol Records, LLC ("Capitol"), incorrectly named as EMI Record Group Inc., in the above-referenced action. On June 3, 2011, Capitol moved to dismiss Plaintiff's complaint for, *inter alia*, lack of subject matter jurisdiction. On or about June 22, 2011, Plaintiff, appearing *pro se*, filed but did not serve an amended complaint in this action. On September 2, 2011, the Court accepted Plaintiff's amended complaint, denied Capitol's motion to dismiss without prejudice as moot, and ordered Plaintiff to serve the amended pleading. Plaintiff mailed the amended pleading directly to Capitol on Friday, September 2, 2011. Capitol's deadline to respond to Plaintiff's amended complaint is September 19, 2011.

Capitol respectfully requests that the Court extend Capitol's deadline to answer or otherwise move with respect to the amended complaint through and including October 14, 2011.

The extra time will allow Capitol to fully examine and respond to Plaintiff's amended claims. No prior request for an extension has been made regarding the amended complaint and Plaintiff has consented to this extension.

Respectfully submitted,

Eric J. Shimanoff

SO ORDERED:

Mon. James L. Cott
United States Magistrate Judge

cc: Robert Poindexter (via Federal Express)

USDC SDNY
DATE SCANNED 9/12/11

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